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PROSPECTS FOR REGIONALISM IN INDIGENOUS COMMUNITY GOVERNANCE

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Abstract

This presentation will begin by discussing the 'in-between' and often 'counter-factual' status of regionalism in Australian politics. It will argue that ideas about regionalism are often used as critiques of existing institutional structures and processes at the local, State/ Territory and Commonwealth levels of Australian government, in attempts to modify and improve them. But what precisely the improved regional arrangements should be is often elusive and different in different policy areas or domains. Also the existing institutional structures and processes of Australian government, at the local, State/ Territory and Commonwealth levels, have lives and logics of their own, which are not so easily modified. Regionalism thus has somewhat limited prospects within Australian politics generally.

In Australian Indigenous Affairs prospects for regionalism are similarly limited, though far from non-existent. The presentation will discuss ATSIC's regionalism as it has developed over the last fifteen years, as an instance of fairly large-scale Commonwealth-driven regionalism which has clearly had its problems as well as some strengths. The presentation will then discuss a Northern Territory Government-driven move from localism towards regionalism in the governance of discrete Indigenous communities, which it will note is a far smaller scale of regionalism than ATSIC's. Torres Strait's regionalism will also be discussed as an example of strong regionalism built on micronationalism, but which also strongly respects local autonomy.

The presentation will conclude by arguing that regionalism is not a panacea in Australian Indigenous affairs or Indigenous community governance and that its potential, as an 'in-between', 'counter-factual' is generally oversold. However, if viewed modestly, regionalism does have some prospects for contributing slightly to addressing some fairly complex and often quite intractable issues of Indigenous community governance.

Introduction

When I said I would do this seminar and gave my title as 'Prospects for Regionalism in Indigenous Community Governance', I did not know that the Howard government was about to announce its intention to abolish ATSIC. Although I was intending to talk about ATSIC and its regionalism in the course of the seminar, I was not thinking I would necessarily start the seminar there. However, in light of the Howard government's announcement and the interest it has generated, it does now seem the obvious place to start the discussion. Having looked at ATSIC's regionalism, I will return to my original intended starting point of regionalism more generally in Australian politics, before going on to look at regionalism in the Northern Territory and Torres Strait.

ATSIC's Regionalism

ATSIC is often referred to as an experiment by the Commonwealth government in Indigenous self- determination or self-management, in giving over some degree of control and decision-making power over Commonwealth Indigenous affairs programs and policies to an elected structure of Indigenous people, albeit still with ministerial oversight and involvement. ATSIC was also, however, an experiment in Commonwealth- sponsored regionalism. For those of you who can remember back to the days of the National Aboriginal Conference and the National Aboriginal Consultative Committee, the first two Commonwealth experiments with elected, national Indigenous representative bodies, the criticisms of these bodies were not only that they were just advisory and that executive power still rested with the Commonwealth Minister and Department of Aboriginal Affairs, but also that they were not well enough connected with Aboriginal communities and organizations 'on the ground', with Aboriginal people living and operating in particular local communities – as all people of course, Aboriginal or not, ultimately are. The NAC and the NACC had 35 and 41 elected members, respectively, to cover the whole of Australia. That's about a quarter of the number of the seats in the House of Representatives. So the relationship between many Aboriginal communities and their elected NACC and NAC representatives was clearly a very distant one. The ATSIC experiment tried to improve this situation by creating an elaborate hierarchy of Aboriginal representation from regional councils through to the national Board of Commissioners. Recall that, after consultations with Aboriginal people in the late 1980s, there were originally 60 ATSIC regions with almost 800 positions on them for elected Indigenous representatives. This was an attempt to connect the national and the local levels of Indigenous community governance through an intermediate experiment in regionalism. In an attempt to get close to the people on the ground, ATSIC's intermediate regionalism in fact had two levels of aggregation, called regions and zones. Zones, of which there were 17 throughout ATSIC's life, were groupings of regional councils which each elected a national Commissioner from among there regional councillors. And in an attempt to even up representation of regions with very different populations, zones ranged from 1 to 8 regional councils in the 60 region ATSIC which existed from 1990 to 1993. In the 35, or 36 region ATSIC, which existed from late 1993, zones ranged from 1 to 4 regional councils. It is also notable that in the 60 region ATSIC, there were a number of instances of regions cutting across State/ Territory boundaries and of a zone, the Central Australian zone, covering parts of three State/ Territory jurisdictions. While they existed, these cross jurisdictional arrangements made ATSIC a particularly bold experiment in Australian political regionalism. However, all except one of these cross jurisdictional arrangements, the inclusion of the ACT in the Queanbeyan ATSIC region, disappeared in 1993 and at that point ATSIC in a sense became a considerably more conservative experiment in Australian political regionalism reflecting government administrative priorities and wishes more than the preferences of Aboriginal people. This delineation of regions as sub-divisions within state and territory boundaries is the predominant idea of regions within Australia and really quite conservative in that there is nothing very new about it in Australian politics.

Regionalism in Australian Politics

At this point, I want to turn to where I thought I would start this seminar before the Howard government's announcement of its intention to abolish ATSIC – and that is to the topic of regionalism, more generally, as a theme in Australian politics. For those of you who read my abstract for this seminar written almost a month ago, and I know that will be almost all of you, I said I would begin by discussing the 'in-between' or often 'counterfactual' status of regionalism within Australian politics. By this I mean that regionalism is often used as a critique of existing institutional structures and processes at the local and State/ Territory and to a lesser extent the Commonwealth levels of Australian government, in an attempt to modify and improve those governmental structures and processes. This is part of what you might call a Goldilock's or Kellog's analysis of Australian politics and government. This analysis suggests that the structures and processes we have already in Australian politics and government are either too big, in the case of the State and Territories, or too small, in the case of local governments. Whereas regionalism is paraded as the 'just right' size solution somewhere in between, - and sometimes in its more radical form even involves regions crossing State and Territory boundaries. There is a long history of this sort of regionalism within Australian politics, going back to the new states movements of the early years of the twentieth century and coming through for, example in the 1970s, with the Whitlam government's Department of Urban and Regional Development. DURD, as it was known, encouraged Australia's then 900 or so local governments to work together as 76 regions in order to deal more effectively with common urban development problems, such as land supply and sewerage provision (Lloyd and Troy 1981). The history of these sorts of experiments in regionalism within Australian politics tends to be of fairly limited success. New states movements have never come to anything, and while DURD did achieve some success in outer suburban land supply and sewerage provision, it also antagonized many more established organizational players in Australian urban development and was in the end disbanded. Committed regionalists will, of course, argue that such innovative regional structures and processes are never really given a chance by the more established and entrenched local and State/ Territory interests. And to some limited extent that may be true. But it is often the case that the States and Territories are in fact quite supportive of some form or regionalism, and that it becomes clear in the process of trying regionalism that different levels of regionalism suit different policy or issue areas.

In this regard I am reminded of Sam Jeffries' comment last week that within the ATSIC Murdi Paaki region in western NSW, there were policy or issue areas on which Broken Hill sat apart from the communities and local governments along the Barwon and Darling Rivers in terms of interests and involvement. In other words water management policy and related issues in Western NSW brought together local interests in one regional configuration along the Barwon Darling River, whereas other issues might call for a different regional grouping. Regional groupings are in fact used in many policy or issue areas of Australian government, such as health, education, infrastructure provision and economic development. And often the different logics of these policy or issues areas suggests quite different regional groupings, leading to frustration that that one policy area's regional groupings are not the same as another's. But finding common ground is difficult, as there are genuinely different logics of regional organisation within different policy areas. So frustration can set in with regionalism too which cannot be solely attributed to States and Territories not supporting it.

Let us return at this point to ATSIC's regionalism and note that in one case, that of Tasmania, ATSIC's regionalism did in fact correspond with a State jurisdiction. In another case, that of Victoria, there were only ever two ATSIC regions and one zone within the State. South Australia too was an ATSIC zone after 1993 with 3 ATSIC regions, though between 1990 and 1993 it had four and half regions, one and half of which were include in the cross-jurisdictional central Australian zone. So for these three States, ATSIC's regionalism, particularly at the zonal level and after 1993, was no different from organization on a State-wide basis. In the ACT, as noted above, ATSIC's regionalism was in a sense 'too big' to be of much use to the ACT government, as ATSIC's Queanbeyan region covered a significant portion of south eastern New South Wales as well as the ACT. In the other four State/ Territory jurisdictions, ATSIC's regionalism took on the more usual form of a

relatively large and perhaps quite useful number of subdivisions within the State or Territory – post 1993 there were 6 ATSIC regions within NSW, 7 within the NT, 8 within Queensland and 9 within WA. However even within these jurisdictions ATSIC's regionalism did not necessarily correspond with the regionalism of other issue or policy areas.

Northern Territory Regionalism

Take for example the issue of local or community governments in the Northern Territory, of which there are roughly seventy and many of which are for remote, predominantly Indigenous localities. Territory governments have in recent years been trying to encourage some of these local governing bodies to come together as more regional groupings. In May 2003, when announcing a Building Stronger Regions strategy, the Northern Territory's Minister for Community Development, John Ah Kit, identified 21 possible regional groupings of local governments covering the Northern Territory. While noting, in doing so, that regional development 'is a term that tends to suffer from differences of interpretation', he also stated that in 'this strategy, the term is used to describe outcomes achieved in areas bound together by a 'community of interest', or common purpose, geography, shared issues or challenges' (Ah Kit 2003: 4). Although these are appealing concepts, the idea that they lead easily to the identification of clear functional regions is misleading. Ah Kit himself went on to say that:

There has been a tendency to look at the Territory as comprised of four or five regions. For government administrative purposes five regions tend to be identified. There are, however, seven Regional Councils of the Aboriginal and Torres Strait Islander Commission and four Aboriginal Land Councils. Other organizations break the Territory into the Top End and Central Australia or Darwin and the rest (Ah Kit 2003: 4)

The four or five regions for Northern Territory government administration are a reflection of the Territory's four major, predominantly non-Indigenous urban areas, Darwin, Katherine, Tennant Creek and Alice Springs, acting as regional centres, with Nhulunbuy in East Arnhemland sometimes also being given this status. The two fold division groups these urban centres and there hinterlands into a Top End three and central Australian two. The larger numbers of regional groupings sometimes used in the Northern Territory are more Indigenous and non-urban in their focus. Ah Kit could have pointed out that two of the four Aboriginal Land Councils, the two large ones, also organize their work and constituency on a regional basis – of nine regions in the case of the Central Land Council and seven regions in the case of the Northern Land Council, giving in a sense 9+ 7+2, or 18 regions for Aboriginal land purpose in the Northern Territory. And he could also have noted that ATSIC in its original 1990 form, which reflected more strongly Indigenous peoples preferences rather than those of government, had twelve regions in the Northern Territory. So the number of regions that have been identified in recent times for various governmental purpose in the Northern Territory varies from two, to four, to five, to seven, to twelve, to 18, to twenty one!

Elsewhere I have written about the desire for highly localized autonomy in Indigenous community governance which has given rise to the almost 70 local governing bodies in Indigenous communities across the Territory (Sanders 2003). And I take it as by no means given that these local governing bodies will all willingly come together even in the around 21 regions suggested as possibilities by Ah Kit. Regionalism, as an aggregation of existing local governing bodies in the Northern Territory may for some time, be up in the thirties forties and fifties, in terms of numbers of regions, if Aboriginal people have their say. So again, it can be seen that there is even less likelihood of ideas of regionalism coming together neatly in the Northern Territory around one particular geographic level of organization.

Torres Strait Regionalism

I want now to turn to another example which is often referred to as the strongest and most well-established instance of regionalism in Indigenous community governance in Australia and seen accordingly as a possible model for other regions. This example is, of course, the Torres Strait and there is no doubt that Torres Strait does have a very strong form of regionalism in its Indigenous community governance. Torres Strait was able, when ATSIC was being set up back in the late 1980s, to negotiate for itself a distinct regional council with distinct electoral arrangements to other ATSIC regional councils. Then in 1993/94, it was able to negotiate for this unique regional council to be transformed into a regional authority under separate provisions of the ATSIC Act. I have no doubt that, in the next little while, as ATSIC is being abolished, that Torres Strait will again push for distinctive treatment and will in all likelihood succeed.

Torres Strait's regionalism is so strong partly because it is built on a form of micro-nationalism in which Islanders distinguish themselves not only from non-Indigenous Australians, but from Aboriginal Australians as well. Islanders see themselves as Melanesian seafarers and gardeners who have quite different cultural traditions from hunter-gatherer Aboriginal Australians. And they use this sense of difference in their dealing with the Queensland and Commonwealth Australian governments to call, repeatedly and usually successfully, for distinctive political arrangements.

However even in Torres Strait, regionalism has it limits and complications.

First, we should acknowledge that strong Torres Strait regionalism is an aggregation of strong Torres Strait localism. Individual Island Councils, of which there are 17, guard there autonomy strongly, while also coming together for select purposes as a regional group. The Torres Shire Council, which is in effect the 18th and largest island council, covers a settlement centre with a more mixed, but still predominantly Indigenous population, and also guards its autonomy strongly. In 1997 when a House of Representatives Standing Committee report on Torres Strait suggested that the Shire be folded into a new regional assembly while the Island Councils remained, the Shire through its Torres Strait Islander Mayor launched a vigorous, and successful, attack on the Committee for making such a ludicrous suggestion (Sanders 2000). The Torres Strait regional grouping is in many ways a confederation of 18 local councils, rather than in any sense a separate regional entity. And its strength as a regional entity may indeed come from and reflect this respect for local autonomy. This is not regionalism which attempts to over-ride or obliterate localism, but rather regionalism which builds on an complements localism.

Second, it should be noted that as with most regionalisms, there are boundary problems in Torres Strait. On the tip of Cape York in the northern peninsula area, there are two communities which have Island Councils and are recognized as Islander communities and there are three communities which have Aboriginal Councils under different Queensland legislation. Over time, however, the populations of the five communities are becoming increasingly mixed, with Islanders becoming residents of the Aboriginal communities probably more than vice-versa. The regional boundary is not clear and no doubt there are times and policy issues in which these five northern Cape York peninsula communities are themselves treated as a region or sub-region cutting across the Torres Strait/ Cape York regional divide.

Third there is the complication that increasing numbers of Torres Strait Islanders have migrated south over the last fifty years and now live quite a long way outside the Torres Strait region in Cairns, Townsville, Brisbane or elsewhere in Queensland or Australia. The 2001 census identified almost 7,000 Islanders in the Strait, 19,000 in the rest of Queensland and almost another 18,000 in the rest of Australia. In line with Torres Strait's micro-nationalism, this diaspora of Torres Strait Islanders often wants some involvement in and connection with homeland affairs. So Torres Strait's regionalism also has to cope with large numbers of people outside the region still claiming some right and wish to be involved in the region's affairs.

Torres Strait regionalism is strong and it does have some potential as a model for regionalism in Indigenous community governance elsewhere in Australia. However, it also needs to be recognized as a regionalism built on considerable respect for localism and also on a particular form of micro-nationalism which might not be easy to emulate elsewhere in Indigenous Australia.

Conclusion

In conclusion, let me just reiterate that regionalism in Australian government is generally about a level of organization between the State/Territory and local levels and its is generally part of a critique of those levels of Australian government as either too big or too small in their geographic and organizational scale. Although this is alluring in principle as an attractive counter-factual of Australian government, in practice regional organization too has its problems. Different policy and issues area suggest different numbers of regions and different regional boundaries. So frustration develops with regionalism too.

I do not want, however, to be too negative about regionalisms prospects in Indigenous community governance. Regionalism in Indigenous community governance, as in other policy and issue areas, can be a quite good and useful tool, if we keep our expectations of it modest. Regionalism is not a panacea for organizational and geographic scale problems in Indigenous community governance any more than it is in other policy or issue areas of Australian government. But it is a modestly useful resource.

References

Ah Kit, J 2003. *Building Stronger Regions, Stronger Futures: Northern Territory,* Northern Territory Government, Department of Community Development, Sport & Cultural Affairs.

Lloyd, C.J. and Troy, P.N. 1981. *Innovation and Reaction: The Life and Death of the Federal Department of Urban and Regional Development,* George, Allen & Unwin, Sydney.

Sanders, W 2000. 'Torres Strait Governance Structures and the Centenary of Federation: A Missed Opportunity?' *Australian Journal of Public Administration,* Vol 50, No 3, pp 22-33.

Sanders, W. 2003. 'Dispersal, Autonomy and Scale in Indigenous Community Governance: Some reflections on recent Northern Territory experience' Seminar given at the Australian National University, North Australia Research, Darwin, 30 October.